

Posted 12/8/04

FILED
U.S. DISTRICT COURT
DISTRICT OF COLORADO

2004 DEC -7 PM 2:39

GREGORY C. LANGHAM
CLERK

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 04-F-0212 (CBS)

BY _____ DEP. CLK

JEFFERY HORTON, individually and on behalf of all persons similarly situated,

Plaintiff,

v.

LEADING EDGE MARKETING INC., a British Columbia corporation, et al.,

Defendants.

MOTION TO FILE CERTAIN EXHIBITS UNDER SEAL

Plaintiff Jeffrey Horton, by and through his undersigned counsel, and in accordance with D.C.COLO.LCivR 7.2 and 7.3, moves the Court for leave to file the following documents, Memorandum Brief in Support of Motion for Partial Summary Judgment, pgs. 5 and 17, and Deposition of Geoffrey MacKay, pg. 52, under seal:

1. In accordance with D.C.COLO.LCivR 7.1, counsel for Plaintiff has previously conferred with and agreed to file documents marked as attorneys eyes only under seal.

2. On April 23, 2004, the Court entered the Interim Stipulated Confidentiality Agreement and Order ("Confidentiality Agreement and Order"), which provides:

If any document containing CONFIDENTIAL INFORMATION produced in this litigation is to be filed as an exhibit to any court record or pleading, or otherwise placed among the court papers in this litigation, the party filing the material shall submit same pursuant to Local Rule 7.3 in a sealed envelope bearing the case caption and the legend, "Confidential, Subject to Protective Order

Entered by the Court in Civil Action No. 04-F-0212 (CBS)."
Pursuant to Local Rule 7.2, the filing party also shall submit a
motion requesting that the material be sealed.

Confidentiality Agreement and Order at p. 7, ¶ 4.

3. The documents have been marked Confidential by Defendants in accordance with
the Confidentiality Agreement and Order:

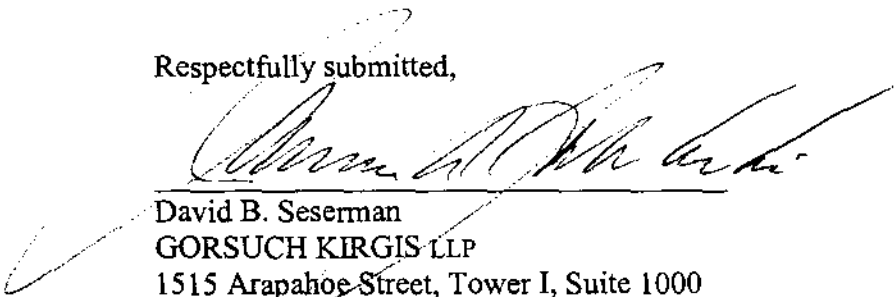
4. Due to the confidential nature of the information contained in the document,
Plaintiff requests that the Court allow him to file the documents under seal pursuant to the
Confidentiality Agreement and Order and D.C.COLO.LCivR 7.2(A)(1).

6. Pursuant to D.C.COLO.LCivR 7.2(C) and 7.3, Plaintiff has submitted the above-
referenced documents in a sealed envelope pending the Court's ruling on the Motion to Seal.

WHEREFORE, Plaintiff requests that the Court grant his Motion to File the above-
referenced documents under seal.

DATED this 7th day of December, 2004.

Respectfully submitted,



David B. Seserman
GORSUCH KIRGIS LLP
1515 Arapahoe Street, Tower I, Suite 1000
Denver, Colorado 80202
Tel. (303) 376-5022

Bradley S. Corsello
CORSELLO LAW P.C.
225 Broadway Suite 1201
New York, New York 10007
Tel. (212) 285-0095

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

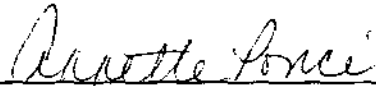
The undersigned certifies that the foregoing **MOTION TO FILE CERTAIN EXHIBITS UNDER SEAL** was served this 7th day of December, 2004 on the following parties/attorneys by U.S. mail:

Bruce E. H. Johnson
Davis, Wright & Tremaine, LLP
1501 4th Avenue, Suite 2600
Seattle, Washington 98101-1688

Stanley L. Garnett
Brownstein, Hyatt & Farber
410 17th Street, 22nd Floor
Denver, Colorado 80202

Steven D. Zansberg
Faegre & Benson, LLP
3200 Wells Fargo Center
1700 Lincoln Street
Denver, Colorado 80203

Robert J. Vincze
Greenberg Traurig, LLP
1200 17th Street, Suite 2400
Denver, Colorado 80202



MINUTE ENTRY FOR SETTLEMENT CONFERENCE

TO: Docketing

DATE: December 6, 2004

FROM: Craig B. Shaffer
U.S. Magistrate Judge

SUBJECT: Case No. 03-F-1479 (CBS),

Case Name: *Cantwell v. Connecticut General Life Ins.*

 X A Settlement Conference was held on this date and no settlement was reached.
The court has set a further settlement conference for January 12, 2005.

 A Settlement Conference was held on this date and a settlement was reached. The
parties are to submit their settlement documents to
Judge _____ on or before _____, 2004.

Settlement Conference held for 0 hours 15 minutes.

Settlement Conference concluded: **Yes** No (Circle One)

Record Made: Yes No (Circle One)

CC: District Judge Figa